

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGAR W. TUTTLE, ERIC BRAUN,  
THE BRAUN FAMILY TRUST, and  
WENDY MEG SIEGEL, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

SKY BELL ASSET MANAGEMENT,  
LLC, *et al.*,

Defendants.

No. C 10-03588 WHA

**REQUEST FOR STATEMENT FROM  
PLAINTIFFS' COUNSEL REGARDING  
CITATIONS IN BRIEFING REGARDING  
ERNST & YOUNG LLC**

In briefing regarding the issues held in abeyance from Ernst & Young LLC's motion to dismiss, plaintiffs state that "the engagement letter between Eden Rock Finance Fund LP and E&Y dated July 18, 2007 specifically provides that, '[E&Y] will report to the partnership's partners as to whether, in our opinion the accounts have been properly prepared in accordance with generally accepted accounting principles in the United States of America....' Dkt. No. 113-1" (Dkt. No. 186 at 8). Yet, there is no such thing on our docket as docket number 113-1. Upon review, the Court could not find any document like the one referenced by plaintiffs. Similarly, plaintiffs state "E&Y's engagement letter demands full access to 'member registers.' Ex. D at 0000037" (*ibid.*). There is no page 0000037 in the record.

Plaintiffs' counsel shall have until **NOON ON WEDNESDAY, AUGUST 31, 2011**, to file a statement regarding where the quoted items can be found in the existing record. Plaintiffs' counsel may *not* augment the record, *i.e.*, they may not file new documents in which such

1 passages may be found if they are not already in our record. Plaintiffs' counsel may solely point  
2 to where in the existing record these passages may be found (or state that they are not in our  
3 record).

4 **IT IS SO ORDERED.**

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6 Dated: August 29, 2011.



7 WILLIAM ALSUP  
8 UNITED STATES DISTRICT JUDGE  
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